

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

16-cv-4291 (LAK)

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

----- x
JOHN FLANAGAN,

Plaintiff,

-against-

13-cv-8456 (LAK)

NEW YORK CITY DEPARTMENT OF EDUCATION, et al.,

Defendants.

----- x
LISA-ERIKA JAMES, et ano.,

Plaintiffs,

-against-

16-cv-4844 (LAK)

NEW YORK CITY DEPARTMENT OF EDUCATION, et al.,

Defendants.

----- x
ANTHONY RICCARDO,

Plaintiffs,

-against-

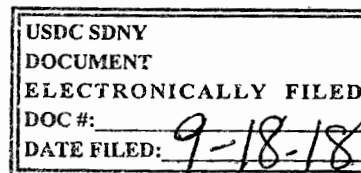
16-cv-4891 (LAK)

NEW YORK CITY DEPARTMENT OF EDUCATION, et al.,

Defendants.

----- x

ORDER



LEWIS A. KAPLAN, *District Judge*.

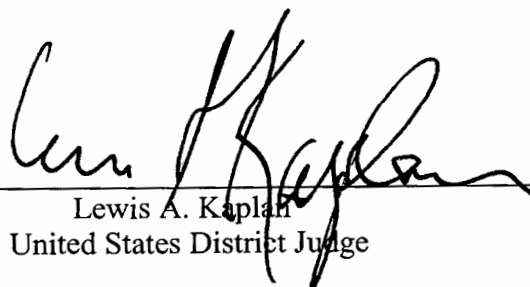
This matter is before the Court on the defendants' motion for partial summary judgment. Magistrate Judge Robert W. Lehrburger has rendered a report and recommendation, dated August 7, 2018 (the "R&R"), which recommends that the motion be granted in part and denied in part. Defendants object to so much of the R&R as recommends denial of the motion insofar as it seeks summary judgment dismissing (1) plaintiff Hightower's Title VII, 42 U.S.C. § 1981, and New York State Human Rights Law ("SHRL") claims of constructive discharge; (2) plaintiff James Title VII, 42 U.S.C. § 1981, and SHRL disparate treatment claims; (3) plaintiff Riccardo's retaliation claims under the Fourteenth Amendment, Title VII, the SHRL, and the New York City Human Rights Law; (4) the claim of the United States based on an alleged pattern and practice of retaliation.

The Court has considered the objections as well as the government's response to them with care. It finds no error of fact or of law in the R&R's treatment of the claims placed in issue by defendants' objections.

Accordingly, defendants' motion for partial summary judgment [DI 66, docket no. 16-cv-4291 (LAK)] is granted to the extent that (1) the retaliation claims of plaintiffs James and Hightower; (2) all aiding and abetting claims; and (3) plaintiff Riccardo's Section 1983 claims against the New York City Department of Education all are dismissed. The motion is denied in all other respects.

SO ORDERED.

Dated: September 18, 2018



Lewis A. Kaplan
United States District Judge